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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,829	07/16/2009	John Keith Knight	CUL-PT001	7226

3624 7590 01/21/2011
VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER

FIGUEROA, ADRIANA

ART UNIT	PAPER NUMBER
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3633

NOTIFICATION DATE	DELIVERY MODE
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01/21/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eoffice@volpe-koenig.com

Office Action Summary	Application No. 10/585,829	Applicant(s) KNIGHT ET AL.	
	Examiner ADRIANA FIGUEROA	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-15 is/are rejected.
- 7) ☒ Claim(s) 2, 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/12/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Australia on 1/13/2004. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Claim Objections

2. Claim 1 is objected to because of the following informalities: in line 1, the correct phrase is "a pole standing upright in the ground". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Reisdorff (US 6,151,860).

Regarding claim 1, Reisdorff discloses a method of reinstating a pole standing upright in the ground comprising, abutting an inner surface of a sleeve of a bridging beam 13, 15 against an outer surface of the pole so as to have a lower portion of the bridging beam penetrating the ground and an upper portion of the bridging beam projecting above the ground, (Fig 15, 16)

arranging a plurality of locating members 18 around the outer surface of the pole, and securing the bridging beam to the pole by strapping surrounding the pole held in place with respect to the pole by the locating members, 15-17.

Regarding claim 4, Reisdorff discloses wherein the bridging beam is initially abutted against the pole with the bottom of the bridging beam 13, 15 resting on the ground and the bridging beam is driven into the ground whilst maintaining the bridging beam in abutment with the pole, (Fig 2-5), (Col 3, Lines 12-20).

Regarding claim 7, Reisdorff discloses wherein at least four straps 17, 19 arranged at different positions along the length of the pole are used to secure the bridging beam to the pole, (Fig 15).

Regarding claim 8, Reisdorff discloses wherein at least two locating members 18 are used to hold each strap in place, (Fig 17).

Regarding claim 9, Reisdorff discloses a pole reinstated in accordance with the method of claim 8, (Fig 15).

Regarding claim 10, Reisdorff discloses a bridging beam assembly comprising a bridging beam 13, 15, locating members 18 and strapping as defined in claim 1 when used in a method for reinstating a pole as defined in claim 1, (Fig 2-5, 15-17).

Regarding claim 11, Reisdorff discloses a bridging beam for reinstating a pole comprising, an elongate sleeve 13, 15 shaped so as to be able to abut the surface of the pole 10 parallel to the longitudinal axis of the pole, (Fig 15-17) an elongate longitudinally extending raised portion 13c, 15c of the sleeve forming a channel shaped cavity, (Fig 16, 17) a brace 31, 32 shaped so as to generally fit snugly in the channel

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shaped cavity, (Fig 17) and securement means 18 for removably securing the brace within the cavity, (Fig 15-17).

4. Claims 1, 5, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Knight (US 4,697,396).

Regarding claim 1, Knight discloses a method of reinstating a pole 2 standing upright in the ground comprising, (Fig 1a-1c) abutting an inner surface of a sleeve of a bridging beam 12 against an outer surface of the pole so as to have a lower portion of the bridging beam penetrating the ground and an upper portion of the bridging beam projecting above the ground, (Fig 1a-1c), (Col 3, Lines 19-31)

arranging a plurality of locating members 54 around the outer surface of the pole, and securing the bridging beam to the pole by strapping 16 surrounding the pole held in place with respect to the pole by the locating members, (Fig 1a-1c, 9), (Col 4, Lines 28-39).

Regarding claim 5, Knight discloses wherein, locating holes 56 are cut so that they extend radially into the pole from the outer surface of the pole, the locating holes having a depth substantially less than the radius of the pole, and the locating members 54 are disposed to extend into and be held in the locating holes, (Fig 7-10a).

Regarding claim 6, Knight discloses wherein the locating members 54 extend through corresponding locating holes in the sleeve, (Fig 7-10a).

5. Claims 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Felt (US 3,420,032).

Regarding claim 11, Felt discloses a bridging beam capable of reinstating a pole comprising, an elongate sleeve 6 shaped so as to be able to abut the surface of the pole (the edges of flanges 7 and 8 are capable of abutting the surface of a pole), parallel to the longitudinal axis of the pole, (Fig 1-3) an elongate longitudinally extending raised portion of the sleeve forming a channel shaped cavity, (cavity formed by flanges 7, 8 and web 10), (Fig 1-3) a brace 1 shaped so as to generally fit snugly in the channel shaped cavity, (Fig 2, 3) and securement means 10 for removably securing the brace within the cavity, (Fig 1-3).

Regarding claim 15, Felt discloses wherein the securement means 10 comprise a hook member and a stop member mounted in the channel shaped cavity, the hook member and stop member each extending into an aperture 5 formed in the brace 1, (Fig 1-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reisdorff (US 6,151,860) in view of Knight (US 5,815,994). Reisdorff discloses as

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discussed in claim 11, but does not disclose a pair of longitudinally extending edges on opposite sides of the elongate sleeve each provided with a flange arranged so as to extend outwardly from the pole. However, Knight teaches a bridging beam 1 having a pair of longitudinally extending edges on opposite sides of the elongate sleeve 2 each provided with a flange 9 arranged so as to extend outwardly from the pole (Fig 9).

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the elongated sleeve of Reisdorff to include flanges as taught by Knight in order to reinforce the edges of the sleeve.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reisdorff (US 6,151,860) in view of Beecher (US 1,817,342). Reisdorff discloses as discussed in claim 11, but does not disclose opposed holes in opposite sides of the raised portion positioned so as to align with corresponding holes in the brace, the arrangement of holes being such that strapping may be threaded through the opposed holes and corresponding holes to allow the strapping to pass through the bridging beam and encircle the pole. However, Beecher teaches a bridging beam 12, 13 having opposed holes 33, 34 in opposite sides of the raised portion, (Fig 1, 3), the arrangement of holes being such that strapping 29, 30, 31, 32 may be threaded through the opposed holes to allow the strapping to pass through the bridging beam and encircle the pole, (Fig 1, 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the elongated sleeve of Reisdorff

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to include opposed holes as taught by Beecher in order to better secure the straps to the bridging beam.

The modified assembly of Reisdorff and Beecher would have opposed holes located in the brace corresponding with the opposed holes of the bridging beam to allow the strapping to be threaded through the brace.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reisdorff (US 6,151,860) in view of Beecher (US 1,817,342) and further in view of Knight (US 5,815,994). Reisdorff modified by Beecher discloses as discussed in claim 13, but does not disclose a pair of longitudinally extending edges on opposite sides of the elongate sleeve each provided with a flange arranged so as to extend outwardly from the pole wherein each flange is provided with a complementary holes through which the strapping may be fed. However, Knight teaches a bridging beam 1 having a pair of longitudinally extending edges on opposite sides of the elongate sleeve 2 each provided with a flange 9 arranged so as to extend outwardly from the pole (Fig 9). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the elongated sleeve of Reisdorff and Beech to include flanges as taught by Knight in order to reinforce the edges of the sleeve.

It would have been an obvious matter of design choice to modify the bridging beam to have each flange provided with complementary holes through which the strapping may be fed since such a modification would have involved a mere duplication

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of parts and would allow the strap to be strapped through it and it will prevent the strap from being damaged by the edge of the flange.

Allowable Subject Matter

9. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADRIANA FIGUEROA whose telephone number is (571)272-8281. The examiner can normally be reached on M-Th 7:30 AM - 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633

/ADRIANA FIGUEROA/
Examiner, Art Unit 3633
01/12/2011